

The House Committee on Ways and Means offers the following substitute to HB 1049:

A BILL TO BE ENTITLED

AN ACT

To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to tax exemptions, so as to allow the state-wide homestead exemption for disabled veterans to be received by unremarried surviving spouses or minor children on a subsequent homestead; to provide for applicability; to provide for a referendum; to provide for automatic repeal under certain circumstances; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to tax exemptions, is amended by revising Code Section 48-5-48, relating to the state-wide homestead exemption for disabled veterans, as follows:

"48-5-48.

(a) As used in this Code section, the term 'disabled veteran' means:

(1) A wartime veteran who was discharged under honorable conditions and who has been adjudicated by the Department of Veterans Affairs of the United States as being totally and permanently disabled and entitled to receive service connected benefits so long as he or she is 100 percent disabled and receiving or entitled to receive benefits for a 100 percent service connected disability;

(2) An American veteran of any war or armed conflict in which any branch of the armed forces of the United States engaged, whether under United States command or otherwise, ~~and that he or she~~ who is disabled due to the loss or loss of use of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair; due to blindness in both eyes, having only light perception, together with the loss or loss of use of one lower extremity; or due to the loss or loss of use of one lower extremity together with residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without resort to a wheelchair;

(3) Any disabled veteran who is not entitled to receive benefits from the Department of Veterans Affairs but who qualifies otherwise, as provided for by Article VII, Section I, Paragraph IV of the Constitution of Georgia of 1976;

(4) An American veteran of any war or armed conflict who is disabled due to loss or loss of use of one lower extremity together with the loss or loss of use of one upper extremity which so affects the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair; or

(5) A veteran becoming eligible for assistance in acquiring housing under Section 2101 of Title 38 of the United States Code as hereafter amended on or after July 1, 1999.

(b) Any disabled veteran ~~as defined in any paragraph of subsection (a) of this Code section~~ who is a citizen and resident of Georgia ~~is~~ shall be granted an exemption of the greater of \$32,500.00 or the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended, on his or her homestead which such veteran owns and ~~actually~~ occupies as a residence and homestead, such exemption being from all ad valorem taxation for state, county, municipal, and school purposes. As of January 1, ~~2004~~ 2008, the maximum amount which may be granted to a disabled veteran under ~~the above-stated federal law~~ Section 2102 of Title 38 of the United States Code, as amended, is \$50,000.00. The value of all property in excess of ~~the~~ such exempted amount ~~cited above~~ shall remain subject to taxation. The unremarried surviving spouse or minor children of any such disabled veteran ~~as defined in this Code section~~ shall also be entitled to an exemption of the greater of \$32,500.00 or the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended, on ~~the~~ such homestead, or any subsequent homestead, so long as the unremarried surviving spouse or minor children continue ~~actually~~ to occupy the home as a residence and homestead, such exemption being from all ad valorem taxation for state, county, municipal, and school purposes. As of January 1, ~~2004~~ 2008, the maximum amount which may be granted to the unremarried surviving spouse or minor children of any such disabled veteran under ~~the above-stated federal law~~ Section 2102 of Title 38 of the United States Code, as amended, is \$50,000.00. The value of all property in excess of such exemption granted to such unremarried surviving spouse or minor children shall remain subject to taxation.

(c)(1) Any disabled veteran qualifying pursuant to paragraph (1) or (2) of subsection (a) of this Code section for the homestead exemption provided for in this Code section shall file with the tax commissioner or tax receiver a letter from the Department of Veterans Affairs or the Department of Veterans Service stating the qualifying disability.

(2) Any disabled veteran qualifying pursuant to paragraph (3) of subsection (a) of this Code section for the homestead exemption provided for in this Code section shall file

1 with the tax commissioner or tax receiver a copy of his DD form 214 (discharge papers  
2 from his military records) along with a letter from a doctor who is licensed to practice  
3 medicine in this state stating that he or she is disabled due to loss or loss of use of both  
4 lower extremities such as to preclude locomotion without the aid of braces, crutches,  
5 canes, or a wheelchair; due to blindness in both eyes, having only light perception,  
6 together with the loss or loss of use of one lower extremity; or due to the loss or loss of  
7 use of one lower extremity together with residuals of organic disease or injury which so  
8 affect the functions of balance or propulsion as to preclude locomotion without resort to  
9 a wheelchair. Prior to approval of an exemption, a county board of tax assessors may  
10 require the applicant to provide not more than two additional doctors' letters if the board  
11 is in doubt as to the applicant's eligibility for the exemption.

12 (3) Any disabled veteran qualifying pursuant to paragraph (4) of subsection (a) of this  
13 Code section for the homestead exemption provided for in this Code section shall file  
14 with the tax commissioner or tax receiver a letter from a doctor who is licensed to  
15 practice medicine in this state stating the qualifying disability. Prior to approval of an  
16 exemption, a county board of tax assessors may require the applicant to provide not more  
17 than two additional doctors' letters if the board is in doubt as to the applicant's eligibility  
18 for the exemption.

19 (4) Any disabled veteran qualifying pursuant to paragraph (5) of subsection (a) of this  
20 Code section for the homestead exemption provided for in this Code section shall file  
21 with the tax commissioner or tax receiver a letter from the Department of Veterans  
22 Affairs or Department of Veterans Service stating the eligibility for such housing  
23 assistance.

24 (d) Each disabled veteran shall file for the exemption provided for in this Code section  
25 only once in the county of ~~his~~ or her residence. Once filed, the exemption shall  
26 automatically be renewed from year to year, except as provided in subsection (e) of this  
27 Code section. Such exemption shall be extended to the unremarried surviving spouse or  
28 minor children at the time of ~~his~~ such disabled veteran's death so long as ~~they~~ such  
29 unremarried surviving spouse or minor children continue to occupy ~~the~~ that home, or any  
30 subsequent homestead, as a residence and homestead. In the event a disabled veteran who  
31 would otherwise be entitled to the exemption dies or becomes incapacitated to the extent  
32 that he or she cannot personally file for such exemption, ~~the~~ his or her spouse, ~~the~~  
33 unremarried surviving spouse, or ~~the~~ minor children ~~at the time of the disabled veteran's~~  
34 ~~death~~ may file for the exemption, and such exemption may be granted as if the disabled  
35 veteran had made personal application therefor.

36 (e) Not more often than once every three years, the county board of tax assessors may  
37 require the holder of an exemption granted pursuant to this Code section to substantiate his

1 or her continuing eligibility for the such exemption. In no event may the board require  
2 more than three doctors' letters to substantiate eligibility.

3 ~~(f) Any person who as of January 1, 1991, has applied and is eligible for the exemption for~~  
4 ~~disabled veterans, their surviving spouses, and minor children formerly provided for by the~~  
5 ~~sixth unnumbered subparagraph of Article VII, Section I, Paragraph IV of the Constitution~~  
6 ~~of 1976; the exemption for disabled veterans provided for in Article VII, Section II,~~  
7 ~~Paragraph V of the Constitution of 1983; or the exemption for disabled veterans formerly~~  
8 ~~provided for by Code Section 48-5-48.3 as enacted by an Act approved April 11, 1986 (Ga.~~  
9 ~~L. 1986, p. 1445), shall be eligible for the exemption granted by subsection (b) of this Code~~  
10 ~~section without applying for such exemption."~~

## 11 **SECTION 2.**

12 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of  
13 State shall call and conduct a referendum as provided in this section for the purpose of  
14 submitting this Act to the electors of the State of Georgia for approval or rejection. The  
15 Secretary of State shall conduct that election on the date of the November, 2008, state-wide  
16 general election. The Secretary of State shall issue the call and conduct that election as  
17 provided by general law. The Secretary of State shall cause the date and purpose of the  
18 election to be published in the official organ of each county in the state once a week for two  
19 weeks immediately preceding the date of the referendum. The ballot shall have written  
20 thereon the following:

21 "( ) YES Shall the Act be approved which allows the state-wide homestead  
22 exemption for disabled veterans to be received by unremarried surviving  
23 ( ) NO spouses or minor children on a subsequent homestead?"

24 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
25 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
26 such question are for approval of the Act, then Section 1 of this Act shall become effective  
27 on January 1, 2009, and shall apply to all tax years beginning on or after that date. If the Act  
28 is not so approved or if the election is not conducted as provided in this section, Section 1  
29 of this Act shall not become effective, and this Act shall be automatically repealed on the  
30 first day of January immediately following that election date.

## 31 **SECTION 3.**

32 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon  
33 its approval by the Governor or upon its becoming law without such approval.

- 1 **SECTION 4.**
- 2 All laws and parts of laws in conflict with this Act are repealed.